

REMARKS / DISCUSSION OF ISSUES

In the non-final Office Action dated November 15, 2010, claims 1-12 are pending in the application and stand rejected. Claims 1 and 9 are independent.

Objections

The title is objected to because of a spelling error, "Method for Derect Communications. . . ." (Emphasis added).

Applicants note that the word "Direct" is spelled correctly in the title of both the Application Data Sheet filed on May 12, 2006, and on page 1 of the Specification, also filed on May 12, 2006. However, it is noted that the title of the Patent Application Publication US 2007/0242665 contains the misspelled word "Derect." Applicants respectfully request clarification as to the origin of the misspelled word in the title so that the publication can be corrected.

35 U.S.C. § 102

Claims 1, 2, 4-6, and 8-12 stand rejected under U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 6,580,704 to Wellig et al. ("Wellig"). Applicants respectfully submit that for at least the following reasons, Wellig does not anticipate claims 1, 2, 4-6, and 8-12.

In order for a reference to anticipate a claim, MPEP 2131 requires the reference to teach every element of the claim. It is respectfully submitted that Wellig does not teach every element of the Applicants' claim 1, and therefore does not support a prima facie case of anticipation.

Applicants' claim 1 includes, in part, the features of,
generating a second identifier by said first station. (Emphasis added).

Applicants respectfully assert that Wellig does not generate a second identifier by said first station.

Wellig relates to a direct mode communication method between two mobile terminals in access point controlled wireless LAN systems. (Title). The Office Action cites Wellig at Figs. 1, 4 and text; 42 as allegedly anticipating the above-mentioned features of the Applicants' claim 1. At the bottom of page 2, the Office Action alleges that Wellig's disclosure of: the initiating mobile terminal 1 sends a communication request to its access point with the higher layer protocol address of the remote mobile terminal 2, anticipates Applicants' claim 1 feature of generating a second identifier by said first station. More specifically, the Office Action evidently considers Wellig's higher layer protocol address to be equivalent to the second identifier of claim 1.

Applicants respectfully traverse this line of reasoning.

Examples of Wellig's higher layer protocol address can be found at column 7, lines 14-16: "the higher layer address can be an Ethernet address, an IP address, a mobile phone number, and the like." Emphasis added.

See also Wellig, column 8, lines 4-5: "it is assumed that we know its higher layer address (e.g., john.smith@nokia.com)." Emphasis added.

Although Wellig apparently discloses the use of a higher layer protocol address such as an Ethernet address, an IP address, a mobile phone number and an email address, Wellig's higher layer protocol addresses are clearly not generated by the mobile terminal. In contrast to Applicants' claim 1, Wellig's higher layer addresses are apparently maintained in a "topology map stored in the AP computer." Emphasis added. (Wellig, column 2, lines 11-12, and Fig. 10). As mentioned above, even Wellig states at column 8, lines 4-5: "it is assumed that we know its higher layer address (e.g., john.smith@nokia.com)."

Wellig's mobile terminal clearly does not generate higher layer addresses such as an IP address or email address, etc. Therefore, the feature of generating a second identifier by said first station is not anticipated by Wellig.

Because Wellig does not disclose all limitations in the claim, Applicants respectfully submit that Wellig does not support a prima facie case of anticipation and as such, the rejection to independent claim 1 under 35 U.S.C. 102(b) is unfounded as per MPEP 2131 and should be withdrawn.

Claim 9 is also an independent claim, is different from claim 1 and must be interpreted based upon its own specific language. For example, claim 9 requires: "said first station generates a second identifier."

The Office Action uses substantially the same arguments as set forth with regard to claim 1, alleging that independent claim 9 is anticipated by Wellig.

Applicants apply the above arguments for claim 1 to the specific features recited in independent claim 9. As such, Applicants respectfully submit that claim 9 is not anticipated by Wellig and respectfully requests the withdrawal of the rejection.

Dependent claims 2, 4-6, 8, and 10-12 ultimately depend from and incorporate all the features of an allowable independent claim 1 or 9. Furthermore, each dependent claim includes additional distinguishing features. For each dependent claim, Applicants apply the above arguments from claim 1 to each respective dependent claim. Thus, Applicants respectfully submit that dependent claims 2, 4-6, 8, and 10-12 are allowable at least by virtue of their dependency on an allowable parent claim and respectfully request the withdrawal of the rejection of these claims.

35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wellig in view of U.S. Patent 6,321,095 to Gavette ("Gavette"). Claim 7 over Wellig in view of U.S. Patent 6,718,159 to Sato ("Sato"). Applicants respectfully traverse this rejection.

Dependent claims 3 and 7 ultimately depend upon and incorporate all the features of an allowable independent claim. Furthermore, dependent claims 3 and 7 include additional distinguishing limitations. For each dependent claim, Applicants apply the above arguments from claim 1 to the respective dependent claim. The additional cited references do not cure the deficiencies of Wellig as noted with respect to the independent base claims. Thus, Applicants respectfully submit that dependent claims 3 and 7 are allowable at least by virtue of their dependency on an allowable parent claim.

Applicants respectfully submit that the rejections of claims 3 and 7 under 35 U.S.C. §103(a) have been traversed and should be withdrawn.

Conclusion

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance.

If there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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